

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Cristal Rivera	Team: Team # 2	CCRB Case #: 200615636	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 11/17/2006 2:00 PM	Location of Incident: Kingston Avenue and Crown Street	Precinct: 71	18 Mo. SOL 5/17/2008	EO SOL 5/17/2008	
Date/Time CV Reported Wed, 11/22/2006 1:05 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 11/22/2006 1:05 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Berkley Vantull	01686	934156	071 PCT
2. POM Salvatore Oliveri	22331	933641	071 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Edwin Boone	03654	892794	071 PCT
2. SGT Patrick Thompson	03094	913818	071 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Salvatore Oliveri	Abuse: Officer Salvatore Oliveri stopped the car in which § 87(2)(b) was an occupant.	
B.POM Berkley Vantull	Abuse: Officer Berkley Vantull stopped the car in which § 87(2)(b) was an occupant.	
C.POM Berkley Vantull	Abuse: Officer Berkley Vantull threatened § 87(2)(b) with the use of force.	

### Synopsis

On November 17, 2006 at approximately 2:00PM § 87(2)(b) was driving down Kingston Avenue in Brooklyn when he was pulled over by PO Berkley Vantull and PO Salvatore Oliveri (**Allegations A and B**) by the intersection of Crown Street and Kingston Avenue § 87(2)(b) and § 87(2)(b). During the vehicle stop PO Vantull threatened § 87(2)(b) with physical force (**Allegation C**), while issuing him three summonses and a parking ticket. PO Vantull arrested § 87(2)(b). § 87(2)(a) 160.50, § 87(2)(b) was taken down to the 71<sup>st</sup> Precinct and released with a summons § 87(2)(a) 160.50, § 87(2)(b).

§ 87(2)(b) stated that he had an earpiece in his ear while he was driving, which kept falling out, and that he had his seatbelt on when he was driving. PO Vantull and PO Oliveri believed that § 87(2)(b) was on his cellular phone while driving and was not wearing his seatbelt. § 87(2)(g)

According to *The Vehicle and Traffic Law* [Encl. 2a-2c] being on a mobile phone while driving is an infraction. § 87(2)(g)

### Summary of Complaint

On December 5, 2006 § 87(2)(b) was interviewed at the CCRB [Encl. 6a-6j]. He previously provided a telephone statement on November 28, 2006. § 87(2)(g)

On November 17, 2006 § 87(2)(b) was driving down Kingston Avenue in Brooklyn, in a gray 1990 Toyota Camry. As he passed Montgomery Street he noticed a police car was behind him with its sirens on, so he pulled over about a half block later near Crown Street; it was a matter of seconds before he pulled over. § 87(2)(b) saw two uniformed officers exit the marked patrol car #1474. An officer approached his driver's side, later identified as through the summonses as PO Berkley Vantull, and his partner, later identified through the investigation as PO Salvatore Oliveri, approached his passenger side. § 87(2)(b) did not know why he was pulled over. PO Vantull asked for § 87(2)(b)'s license and registration and informed him that he was pulled over because he was talking on his cellular phone. § 87(2)(b) showed PO Vantull that he had been talking on his earpiece and his cellular phone was in his pocket. § 87(2)(b) further explained that his earpiece was falling out so he had his hand against his ear to hold the earpiece in place, but the phone was in his pocket. PO Vantull then asked § 87(2)(b) "Well what about your seatbelt?" § 87(2)(b) informed PO Vantull that he removed his seatbelt to get his license out of his pocket. PO Vantull took the license, car registration, and insurance and walked back to the patrol car with PO Oliveri. PO Vantull returned to the car with two tickets, § 87(2)(b) and another § 87(2)(b). § 87(2)(b) "protested" the tickets by telling PO Vantull, "This isn't right, I didn't do anything." PO Vantull asked for § 87(2)(b)'s identification again and after receiving it walked away from the vehicle, when he returned to the car he gave § 87(2)(b) another ticket § 87(2)(b). § 87(2)(b) took the ticket and began to argue with the officer saying, "What this all about?" PO Vantull told him, "If you keep arguing with me I am going to stick my gun in your mouth." § 87(2)(b) stopped talking with PO Vantull, and when he walked away from the vehicle § 87(2)(b) called 911. The 911 operator told § 87(2)(b) to obtain the car number, at that time § 87(2)(b) exited the vehicle to retrieve the car number. He had the 911 operator on speaker phone so that 911 operator could hear what the officers were saying, and that they knew he was on the phone with 911. PO Vantull instructed § 87(2)(b) to get back inside the car. § 87(2)(b)

went back into his car, but was still on the phone with the 911 operator; she instructed § 87(2)(b) to remain in his vehicle. She informed him that a sergeant was being sent to the scene to investigate what was happening. While he was on the phone with the 911 operator PO Vantull approached the car and put a ticket for § 87(2)(a) 160.50 on the window shield, which was the fourth ticket he received. § 87(2)(b) got off the phone with the 911 operator and shortly after another patrol car appeared at the scene, but § 87(2)(b) did not know if he was the sergeant sent by the 911 operator. § 87(2)(b) never interacted with the sergeant. PO Vantull, PO Oliveri and the sergeant talked about twenty feet away from § 87(2)(b)'s vehicle and when PO Vantull approached the vehicle he opened the door and told § 87(2)(b) he was under arrest. PO Vantull put his hand on § 87(2)(b)'s head as though to avoid hitting his head on the top of the car and escorted him out of the vehicle. PO Oliveri handcuffed him on the street outside of the vehicle. § 87(2)(b) was brought to the 71<sup>st</sup> Precinct in PO Vantull's patrol car, and PO Oliveri drove § 87(2)(b)'s car to the precinct.

At the 71<sup>st</sup> Precinct § 87(2)(b) was placed into a holding cell and informed that he was arrested for § 87(2)(a) 160.50. Everything that was taken out of his pockets was returned to him upon departing from the precinct. He waited there for about a half-hour, and left with a summons § 87(2)(a) 160.50. § 87(2)(b) went to court on § 87(2)(b) to fight the § 87(2)(a) 160.50 ticket, and provided the paperwork he received to the CCRB. § 87(2)(a) 160.50

§ 87(2)(b) also presented the four tickets he was issued for the following infractions: § 87(2)(b) (traffic ticket), § 87(2)(a) 160.50 (summons), § 87(2)(b) (traffic ticket), and § 87(2)(b) (traffic ticket). § 87(2)(b) was not talking on his phone when he was driving, and was wearing his seatbelt; however he did have a small crucifix hanging on his rearview mirror.

The IAB communications CD [Encl. 11a-11c] provided the following information regarding § 87(2)(b)'s phone call to 911 on November 17, 2007. § 87(2)(b) had called 911 to have an officer respond because "two officers were harassing him," and "one officer said he was going to put his gun into his § 87(2)(b)'s] mouth." He also informed PO Vantull and PO Oliveri that he was, "on the phone with the police."

## **Results of Investigation**

### **Officer Statements**

#### **PO Berkeley Vantull**

On December 19, 2006 PO Berkeley Vantull was interviewed at the CCRB [Encl. 7a-7h]. On November 17, 2006 PO Vantull worked a tour of 0930 hours by 1805 hours, in uniform. He was working with PO Oliveri and they were assigned to 'summons auto,' which is traffic enforcement. They were working in vehicle number 1474. PO Vantull's memo book stated, "1400 1 car stop Kingston Avenue + Montgomery Street § 87(2)(b), § 87(2)(b). 1424 1 under § 87(2)(a) 160.50

1430 02 Administrative at Station house in regards. 1455 96 x 1/98." During his CCRB interview, PO Vantull wanted to clarify that he meant to write "def. called 911," not the dispatcher.

On November 17, 2006 PO Vantull and PO Oliveri were parked facing eastbound on Kingston Avenue and Montgomery Street on the corner observing vehicle traffic. They were stationed at this corner for approximately ten minutes when PO Vantull observed a male, later identified by PO Vantull through a photo as § 87(2)(b) driving northbound while talking on his cellular phone and not wearing a seatbelt. § 87(2)(b) had his cellular phone in his left hand; PO Vantull observed § 87(2)(b) from his driver's side window. PO Vantull made the decision to pull over the vehicle, and put on his lights and sirens. PO Vantull pulled the vehicle over on Kingston Avenue and Crown Street; this is a commercialized area with stores and stoplights, but the street is one way. The street is one lane, but it is oversized and has parking on both sides. He was pulled over on the left side of the street. PO Vantull and PO Oliveri exited the car; PO Oliveri approached on the passenger side, and PO Vantull approached on the driver's side. PO Vantull approached § 87(2)(b)'s door and asked for 'license, registration and insurance.' Upon

approaching the door PO Vantull observed that § 87(2)(b) was seated in the driver's seat of the car with his cellular phone in his lap and not wearing his seatbelt. PO Vantull did not observe § 87(2)(b) wearing a headset (for the phone). § 87(2)(b) gave the appropriate paperwork without a problem; he obtained the documents from his wallet, which were in his pocket; PO Vantull was unsure of which pocket he retrieved his documents. PO Vantull informed § 87(2)(b) about his infractions after asking for the paperwork; he stated the infractions were § 87(2)(b) and § 87(2)(b). § 87(2)(b)'s behavior was compliant and he acknowledged that he had violated the infractions § 87(2)(b) and § 87(2)(b). A glass ornament was hanging from the rearview mirror, which was § 87(2)(b), which is another infraction. § 87(2)(b) asked for PO Vantull to give him a break with the summonses. PO Vantull stated he would give him a break § 87(2)(b), but he had to issue the two other summonses. The interaction lasted about two minutes, and then PO Vantull and PO Oliveri walked back to the patrol car to write the two summonses. Upon returning to § 87(2)(b)'s vehicle PO Vantull handed the two summonses to § 87(2)(b). He began arguing and yelling at PO Vantull calling him "wicked."

PO Vantull then decided to give § 87(2)(b) the summons § 87(2)(b). § 87(2)(b) was shocked that he was receiving the two summonses; although he knew that he was going to be receiving them because PO Vantull had previously informed him. This interaction with § 87(2)(b) was about ten minutes long; he continued saying that PO Vantull was "wicked" and acting disorderly. PO Vantull decided to issue him the summons for § 87(2)(b) because of his behavior. PO Vantull stated that when § 87(2)(b) started acting 'disorderly and called him wicked' that he 'had to give him the summons.' PO Vantull then asked for § 87(2)(b)'s license because he didn't want him to drive away. § 87(2)(b) was loud and yelling at PO Vantull telling him he was going to lose his job. § 87(2)(b) then called 911 after about four minutes of interacting with PO Vantull. PO Vantull told § 87(2)(b) to inform 911 that there were officers at the scene because § 87(2)(b) told 911, "Two males are harassing me." PO Vantull wanted to let the 911 operator know that officers were present as to not have 911 send more officers. § 87(2)(b) was still yelling when he was on the phone with 911. PO Vantull was there the entire time that § 87(2)(b) was on the phone with 911, however he did not recall the entire conversation. PO Vantull had asked § 87(2)(b) to, "Please get off the phone and step out of the vehicle." § 87(2)(b) placed the phone with the receiver down in the car. Although later during the interview PO Vantull stated that he asked § 87(2)(b) many times to exit the vehicle and informed him that he would be arrested if he did not exit the vehicle. PO Vantull had asked § 87(2)(b) to step out of the car because he was going to arrest him § 87(2)(a) 160.50. § 87(2)(b) was screaming and yelling creating a public alarm. PO Oliveri was there as well, helping PO Vantull. There was a crowd of about ten people on each corner of the street. PO Vantull had § 87(2)(b) exit the vehicle and guided him to the back of the vehicle to place him under arrest. People began gathering when § 87(2)(b) was yelling, but more came after he exited his car. One unidentified male from the crowd approached § 87(2)(b) while he was still in the vehicle, to tell him to comply with the officers and stop acting irrationally. § 87(2)(b) and the male from the crowd did not appear to know each other, and the unidentified male had no further interaction with the officers. Upon walking to the back of the vehicle § 87(2)(b) was placed under arrest § 87(2)(a) 160.50, and he somewhat resisted. During this interaction PO Vantull radioed for back up over the two-way radio; Sgt. Boone responded. Sgt. Boone arrived when § 87(2)(b) was handcuffed in the patrol car. Sgt. Boone never interacted with § 87(2)(b). When Sgt. Boone arrived PO Vantull informed him of the 'facts' in regards to giving him the summonses. PO Vantull transported him to the precinct in his patrol car, and PO Oliveri drove § 87(2)(b)'s car back to the precinct. Sgt. Boone verified the arrest.

PO Vantull issued § 87(2)(b) a ticket § 87(2)(a) 160.50 as well; only upon direct questioning did PO Vantull recall issuing this ticket. PO Vantull was unsure of when he gave § 87(2)(b) this ticket. PO Vantull asked § 87(2)(b) to move his car after he issued him the third summons, § 87(2)(b). § 87(2)(b) was still seated in the car, and PO Vantull asked him to move the vehicle. Initially PO Vantull pulled § 87(2)(b) over onto the left-hand side of the road. He asked § 87(2)(b) to move his vehicle to a parking spot in front of the vehicle, but § 87(2)(b) did not comply. During the vehicle stop cars were not able to pass. § 87(2)(b) was not asked initially to move the car when he was stopped, PO Vantull asked him to move when he realized he would be issuing more than one summons, however at this point he had issued him three summonses. PO Vantull asked § 87(2)(b) to move his car when he was going to issue him the ticket for the § 87(2)(b) although previously he had stated that he had given him the parking ticket after

issuing him all three summonses. PO Vantull stated that this occurred before § 87(2)(b) called 911. PO Vantull brought § 87(2)(b) into the 71<sup>st</sup> Precinct as an arrest, but he was issued a summons in lieu of an arrest. § 87(2)(b) was released with a summons § 87(2)(a) 160.50.

PO Vantull never stated, “If you keep arguing with me I am going to put my gun in your mouth.” PO Vantull never used physical force against § 87(2)(b) while placing him in custody. It should be noted that PO Vantull never initially accounted for § 87(2)(b) s § 87(2)(a) 160.50 ticket. PO Vantull did not recall § 87(2)(b) talking to anyone at IAB. PO Vantull stated that he had no fear of § 87(2)(b) leaving the scene of the incident when he asked him to move his double-parked car because he had his license. However, PO Vantull stated that he had asked § 87(2)(b) to exit the car because he would not provide his license. PO Vantull then stated that he did not ask § 87(2)(b) to move the vehicle when he was standing next to him and also stated that he instructed § 87(2)(b) to move his car when he was writing the third summons from his patrol car over the loud speaker.

### **PO Salvatore Oliveri**

On January 4, 2007 PO Salvatore Oliveri was interviewed at the CCRB [Encl. 8a-8e]. On November 17, 2006 PO Oliveri worked a tour of 0800 hours by 1800 hours. PO Oliveri was working with PO Vantull, they were both in uniform and assigned to RMP #1474. PO Vantull as the operator and PO Oliveri was the recorder. PO Oliveri and PO Vantull were assigned to summons auto, their responsibilities include writing traffic summonses, and ensuring people are wearing their seatbelt, and watching traffic. PO Oliveri had an entry in his memo book regarding this incident, “1400 1 car stop Kingston @ Montgomery Street. 1424 1 under by PO Vantull in regards to car stop, § 87(2)(a) 1428 84 @ stationhouse. 1500 98 Patrol.”

On November 17, 2006 PO Oliveri was working with PO Vantull, at approximately 2:00PM they were parked on the eastbound corner of Montgomery Street and Kingston Avenue in Brooklyn. Montgomery Street is a one way street heading eastbound, and Kingston is a one way avenue heading northbound. They observed a motorist, later identified by PO Oliveri through a photo as § 87(2)(b) driving by without a seatbelt and talking on his cellular phone. PO Oliveri did not recall if it was his decision or PO Vantull’s, but they both saw § 87(2)(b) and decided to follow him to pull him over. In order to follow the vehicle the officers needed to make a left turn out of the parking lot. They pulled him over within a matter of seconds on Kingston Avenue and Crown Street, which was a block away from where they initially saw him drive by. They used their sirens and lights to pull over § 87(2)(b) and PO Oliveri did not remember if he used the loudspeaker. Both officers exited their vehicle and approached § 87(2)(b) s car; PO Oliveri approached on the passenger side and PO Vantull on the driver’s side. PO Vantull asked for § 87(2)(b) s license, registration and insurance, to which § 87(2)(b) complied. Upon looking into the vehicle PO Oliveri observed that § 87(2)(b) did not have a seatbelt on, but he did not recall if he saw a cellular phone; § 87(2)(b) was alone in the car. PO Oliveri described the traffic in the area as ‘average,’ due to it being a commercial area. Kingston Avenue is a one way street with metered parking on the side of the street. PO Oliveri stated that § 87(2)(b) s car was parked next to a parked car, but other cars were able to pass and they were not blocking traffic. PO Oliveri could not hear what was going on in the car. PO Vantull’s initial interaction with § 87(2)(b) lasted about thirty seconds, and it was ‘smooth’ like every vehicle stop. PO Vantull and PO Oliveri walked back to their patrol car and wrote two summonses. The two summonses were issued § 87(2)(b) and § 87(2)(b). PO Vantull and PO Oliveri went back to the car and delivered the summonses. When PO Vantull delivered the summonses § 87(2)(b) was upset and irate; he started to speak louder. A crowd of about thirty people gathered around the area, but they weren’t trying to get involved. PO Vantull had given § 87(2)(b) back his license and registration with his summons. As § 87(2)(b) s behavior began to become more irate PO Oliveri walked to the driver’s side to help PO Vantull. § 87(2)(b) was yelling, “Why are you doing this?” PO Vantull remained calm, as § 87(2)(b) was acting irate. PO Vantull asked three times for his license and registration because he wanted to issue him a § 87(2)(a) 160.50 summons, but PO Oliveri did not know if § 87(2)(b) was informed as to why he needed his license and registration again. PO Oliveri was not sure if PO Vantull received his license and registration before or after § 87(2)(b) was arrested. PO Oliveri and PO Vantull asked § 87(2)(b) to get out of the car. § 87(2)(b) asked, “What for?” PO Oliveri then informed § 87(2)(b) “If you do not comply with our request for your license then you are going to be placed under arrest.” After PO Vantull and PO Oliveri asked him a few more times for his license § 87(2)(b) complied and exited the vehicle, and he was arrested. PO Oliveri recalled § 87(2)(b) making a phone call to 911 stating that he was

'being harassed.' PO Oliveri did not recall exactly what he was saying. § 87(2)(b) made the phone call when he was seated in the car, and was still on the phone when he exited the vehicle. Once he got off the phone § 87(2)(b) was still yelling and screaming which is why he was arrested § 87(2)(a) 160.50. PO Oliveri radioed for a sergeant and Sgt. Boone responded to the scene. The entire interaction lasted ten minutes. Sgt. Boone instructed PO Oliveri to drive the car back to the 71<sup>st</sup> Precinct when § 87(2)(b) was arrested.

PO Oliveri did not account for two summonses, § 87(2)(b) and § 87(2)(a) 160.50. Upon questioning PO Oliveri stated that he recalled § 87(2)(b) receiving the § 87(2)(a) 160.50 ticket. PO Vantull issued the ticket because § 87(2)(b) did not move his car after he was instructed. PO Oliveri stated that while he and PO Vantull were in the patrol car they instructed § 87(2)(b) to move his vehicle over the loud speaker. PO Oliveri believed § 87(2)(b) may have been on the phone with 911. PO Oliveri stated that he did not recall if there was a spot for § 87(2)(b) to move into after he was instructed to move. PO Oliveri did not recall when the § 87(2)(b) summons was issued to § 87(2)(b) but he believed that all the summonses were issued at the same time. By the time a sergeant arrived § 87(2)(b) was in the patrol car; at that point the sergeant verified the arrest. The crowd that gathered did not interfere with the situation and it did not appear as though any of the people knew § 87(2)(b). PO Oliveri did not see an ear piece for the cellular phone in the car when he pulled over § 87(2)(b).

#### **Sgt. Edwin Boone**

On January 12, 2007 Sgt. Edwin Boone was interviewed at the CCRB [Encl. 9a-9e]. On November 17, 2006 Sgt. Boone was working a tour of 0655 by 1552, assigned to Patrol Sergeant, where he supervised the officers working on patrol. Sgt. Boone was working with PO Jacquet, and they were in a RMP #1655. Sgt. Boone did not have any entries in his memo book regarding this incident.

On November 17, 2006 Sgt. Boone recalled getting a radio transmission at approximately 2:50PM from PO Vantull stating that he had an arrest, and was asking for Sgt. Boone to verify the arrest. Sgt. Boone instructed him to bring it into the precinct. Sgt. Boone never responded to the scene of the incident because he had responded to a call for a missing person from 2:17PM through 3:58PM.

Sgt. Boone had responded to a level one mobilization, which is when additional units are requested to perform a task that is not routine patrol. Sgt. Boone was not certain if any other supervisors would have responded, but Sgt. Thompson was working as well. Sgt. Boone only remembered seeing PO Vantull at the precinct, but did not speak with him. After being shown a picture of § 87(2)(b) Sgt. Boone did not recognize him. Sgt. Boone did not recall receiving a radio call from IAB. Sgt. Boone never heard any of the details of what happened with § 87(2)(b) from PO Oliveri or PO Vantull.

#### **Sgt. Patrick Thompson**

On January 22, 2007 Sgt. Patrick Thompson was interviewed at the CCRB [Encl. 10-10b]. On November 17, 2006 Sgt. Thompson worked a tour of 1115 hours by 2012 hours, assigned as the highway safety supervisor, working in uniform, and he was not assigned to a vehicle or working on foot. Sgt. Thompson did not have any memo book entries regarding this incident.

Sgt. Thompson had no recollection of the incident, he was assigned inside of the 71<sup>st</sup> Precinct. Sgt. Thompson did not recall interacting with § 87(2)(b) and after viewing a photo of § 87(2)(b) did not recognize him either. Sgt. Thompson was briefed on the incident and did not recall anything that occurred.

#### **Note Regarding Additional Officer Interviews**

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

#### **Police Documents**

*Command Log*

The command log [Encl. 12a-12b] for November 17, 2006 stated that § 87(2)(b) was arrested by PO Vantull § 87(2)(a) 160.50 on Crown Street and Kingston Avenue. It also stated that Sgt. Boone debriefed the desk sergeant, but did not transport § 87(2)(b) to the 71<sup>st</sup> Precinct. There is a note written that § 87(2)(b) was released with “summons § 87(2)(b) at 1455 hours “warrants negative.”

#### *Roll Call*

The roll call [Encl. 13a-13c] for November 17, 2006 Tour 2 indicated that Sgt. Patrick Thompson worked a tour of 1115 by 2012 hours as the traffic supervisor. Sgt. Edwin Boone was as the patrol supervisor working a tour of 0655 by 1552, PO Salvatore Oliveri and PO Berkeley Vantull worked as partners assigned to the summons auto, assigned to RMP 1474.

#### *Sprint*

The Sprint [Encl. 11a-11c] related to this incident indicates that at 2:12 PM § 87(2)(b) called to state that the police were harassing him and that an officer threatened to put a gun in his mouth. He stated that the officers were driving RMP # 1474. § 87(2)(b) asked to have a sergeant sent to the location. At 2:20 PM, 71<sup>st</sup> Precinct sector G reported the job 10-90Y [unnecessary].

#### *IAB Communications CD*

The IAB communications CD confirmed what was stated in the Sprint, and in the background it can be heard that PO Vantull or PO Oliveri, § 87(2)(g)

#### **CCRB Histories [Encl. 4a-4c]**

PO Salvatore Oliveri does not have a substantiated allegation with the CCRB. PO Berkley Vantull has one substantiated allegation in case #200411813 for a refusal to provide his name and shield number, for which he received instructions. § 87(2)(b) has no previous cases with the CCRB.

#### **Complaint Conviction Histories**

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### **Conclusions and Recommendations**

#### **Officer Identification**

PO Berkley Vantull was identified through the summonses he issued to § 87(2)(b) and his partner PO Salvatore Oliveri was identified through the roll call. They both confirmed their participation through their CCRB interviews. PO Vantull was identified as the officer who allegedly threatened § 87(2)(b) with the use of force through his physical description and § 87(2)(b) identified him from his interaction after receiving the summonses. Furthermore, PO Vantull and PO Oliveri acknowledged that PO Vantull was the officer who approached § 87(2)(b)'s driver side and conducted the bulk of the conversation and car stop. Sgt. Edwin Boone was identified through PO Vantull's statement and through the command log. Sgt. Patrick Thompson was identified through the roll call.

#### **Facts in Dispute**

§ 87(2)(b), § 87(2)(g)

#### **Credibility**

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

While PO Oliveri and PO Vantull both stated that Sgt. Boone arrived at the location to verify the arrest, Sgt. Boone stated he never arrived at the location. PO Oliveri also stated that when § 87(2)(b) was pulled over he was not blocking traffic, and other cars could pass him; whereas PO Vantull stated that there was traffic and cars could not pass during the vehicle stop. However, the IAB communications CD did confirm that PO Vantull instructed § 87(2)(b) to move his vehicle over the loudspeaker. § 87(2)(b), § 87(2)(g)

#### **Note Regarding Allegations Not being Pleaded**

§ 87(2)(b), § 87(2)(g)

**Allegation A: Abuse of Authority: Officer Berkley Vantull stopped the car in which § 87(2)(b) was an occupant.**

**Allegation B: Abuse of Authority: Officer Salvatore Oliveri stopped the car in which § 87(2)(b) was an occupant.**

§ 87(2)(b), § 87(2)(g)

*The Vehicle and Traffic Law*, which states, “No person shall operate a motor vehicle upon a public highway while using a mobile telephone to engage in a call while such a vehicle is in motion.” [Encl. 2a-2c] It also states, “No person shall operate a motor vehicle unless such a person is restrained by a safety belt.”

§ 87(2)(b), § 87(2)(g)

However, § 87(2)(b) stated that he had an earpiece in his ear for his cellular phone and it was falling out so he was holding it in with his hand, and that he was wearing his seatbelt. § 87(2)(b), § 87(2)(g)

According to *Kamins Search and Seizure Law*, “An automobile stop is reasonable when an officer has probable cause to believe that an individual has violated the Vehicle and Traffic Law.” [Encl. 1a-1d] § 87(2)(b), § 87(2)(g)

**Allegation C: Abuse of Authority: Officer Berkley Vantull threatened § 87(2)(b) with the use of force.**

§ 87(2)(b) alleged that PO Vantull threatened him by saying, “If you keep arguing with me I am going to stick my gun in your mouth,” however PO Vantull stated that he never made this statement. § 87(2)(g), § 87(2)(b)



Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: